

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JAMES DANIEL BLAKEY,

Plaintiff,

v.

CIVIL ACTION NO. 5:08-cv-00860

WARDEN, FCI BECKLEY, et al.,

Defendants.

ORDER

The Court has reviewed Plaintiff's Complaint [Docket 2], filed June 23, 2008, and Application to Proceed Without Prepayment of Fees [Docket 1]. By Order [Docket 3] entered on June 23, 2008, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 22, 2011, the Magistrate Judge submitted Proposed Findings and Recommendation ("PF&R") [Docket 8] wherein it is recommended that this Court dismiss Plaintiff's Complaint and remove this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989);

United States v. Schronce, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). Objections to the PF&R in this case were due on July 11, 2011. To date, no party has filed any objections to the Magistrate Judge's Proposed Findings and Recommendation.

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation, and **ORDERS** Plaintiff's Application to Proceed Without Prepayment of Fees [Docket 1] be **DENIED** and his Complaint [Docket 2] be **DISMISSED**. The Court further **ORDERS** that this matter be removed from the docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 14, 2011


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA